

Probate Court System

Background

The majority of Connecticut's 123 probate court districts are contiguous with town lines, with some districts including more than one town. Thus, the population served by each district varies considerably. For example, the Bridgeport probate district serves the largest population (139,529), while the Cornwall district services the smallest population (1,431). The voters of each town within the probate district elect their probate judge for a four-year term.

The probate courts, established by statute, have jurisdiction over a variety of subject matters including: trusts, estates, guardians, conservators, civil commitment, and adoption, as well as the establishment or termination of parental rights. In addition, probate courts grant name changes, approve marriages for individuals younger than 16 years of age, and provide assistance in obtaining passports.

The Office of the Probate Court Administrator supervises the general operation of the probate courts. However, each probate judge may hire his or her own staff and set his or her own work schedule. Each court's operating expenses including compensation for the probate court judge and staff are funded through revenues it generates in probate court fees. Any net revenue remaining after court expenditures is deposited into the Probate Court Administration Fund to assist operating expenses of the system as a whole.

Over the years, a combination of factors including the phasing out of the succession tax (a significant part of the probate fees), the growing volume of complex cases and indigent cases, and the increasing costs associated with staff salaries and benefits have raised concerns about a potential strain on the system. As a result, there have been calls for probate court reorganization because of increasing personnel costs and anticipated decline of fees.

In 2004, Chief Justice William J. Sullivan directed the Probate Court Administrator to develop a reorganization plan to address the finances and operation of the probate court system. The plan, submitted on October 1, 2004, provided three proposals for reorganization. Legislation to incorporate aspects of one proposal recently was the subject of a public hearing before the judiciary committee (RSB 1198), where divergent views on the proposed reorganization plan were presented.

Area of Focus

This study will examine whether the current probate court structure is administratively and financially viable. Specifically, the study would focus on the operations and finances of the probate court system as well as explore options and alternatives.

Areas of Analysis

1. Examine revenue and expenditure trends over time and current projections of the system's financial condition.

2. Review the existing funding sources including the impact of and planned solutions to the succession tax phase out.
3. Evaluate the sufficiency and management of the Probate Court Administration Fund.
4. Evaluate the role and costs of the Office of the Probate Court Administrator related to system operations.
5. Analyze caseload and disposition trends to determine whether the system's existing organizational structure is functional and effective.
6. Compare policies and structures in other states.
7. Identify the range of the possible reorganization alternatives or initiatives and identify any prohibitions or restrictions to potential solutions.

Excluded Areas of Analysis

This study would not examine the scope of probate court jurisdiction.